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February 17, 2022

Hon. Katherine Polk Failla  
United States District Court  
40 Foley Square  
New York, New York 10007

**MEMO ENDORSED**

**Re: *L.G.C. v. Decker et al.*, No. 21 Civ. 8800 (KPF)**

Dear Honorable Judge Failla:

We write as counsel for L.G.C. in the above-referenced matter to respectfully request permission to file under seal three exhibits in support of L.G.C.’s concurrently-filed letter: (a) a set of redacted documents entitled “Index and Public Records relating to Orange County Sheriff’s Correctional Officers” (Exhibit G); (b) a set of three redacted declarations from individuals detained with L.G.C. (Exhibit H); and (c) L.G.C.’s updated disciplinary records from Orange County Correctional Facility (“OCCF”) (Exhibit I). The first two sets of documents were submitted in their redacted form as attachments to a civil rights complaint filed with the U.S. Department of Homeland Security. While civil rights complaint is publicly accessible, the documents attached to the complaint are not. Consistent with this Court’s Individual Rules, these documents will be filed under seal on ECF and electronically related to this letter motion.

Petitioner respectfully requests that the Court grant leave to file the records under seal. With respect to the first two sets of documents (Exhibits G and H), although portions of them are already redacted, they nonetheless relate to people who are not individually named parties to this litigation—correctional officers and their associates, and individuals who are detained in OCCF. *See Kewazinga Corp v. Microsoft Corp.*, No. 18-CV-4500-GHW, 2021 WL 1222122, at \*5 (S.D.N.Y. Mar. 31, 2021) (explaining that non-parties to an action may have “significant privacy interests” that favor protecting their identifying information). With respect to the last set of documents (Exhibit I), these disciplinary records contain personally identifying information regarding Petitioner. Petitioner was previously given leave to proceed under pseudonym and file certain documents under seal to protect his identity and privacy interest, and his disciplinary records fall squarely into that category. Petitioner therefore respectfully requests leave to file these three sets of documents under seal.

Upon reaching out to Respondents for their position, counsel for Respondents requested that we state the following as their position:

“The government has not had the opportunity to review the proposed evidentiary submission and notes that it appears to include documents that exceed the scope of the

submissions contemplated by the Court in its January 3 Order. See ECF Nos. 34 (Parties may “supplement” their “briefing based on the contents of Dr. Rosenfeld’s report”), 38. To the extent that the proposed submission includes updated medical records that are relevant to the medical treatment at hand, the government has no objection to the court receiving such records under seal under the existing sealing order. However, the government respectfully submits that the filing of additional documents outside the scope of the Court’s January 3 Order is not authorized by the Court at this time. Accordingly, the government respectfully requests that, should the Court determine to receive any such additional materials, the Court set an appropriate schedule to allow the government to review the petitioner’s documents, consult with the agency, and determine whether to object to the proposed submissions and/or whether to submit additional documents as may be necessary to ensure the completeness of the record.”

Petitioner informed Respondents of his intention to file these specific materials under seal. Notably, these documents are separately in the possession of Respondents—the first two exhibits were filed with the Department of Homeland Security as part of the aforementioned civil rights complaint and the last exhibit is comprised of disciplinary records prepared by OCCF. Their relevance to the findings of Dr. Rosenfeld’s report is outlined in Petitioner’s letter, and any concerns Respondents may have regarding the relevance of any of Petitioner’s exhibits is best addressed through any future briefing or motions Respondents may choose to file in the case. In the interim, Petitioner respectfully requests that the Court grant Petitioner’s request to file these exhibits under seal.

Thank you for your consideration of this request.

Respectfully submitted,

/s/ Alina Das

Alina Das

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*Counsel for Petitioner*

cc: Counsel for Respondent

Application GRANTED. The Clerk of Court is directed to file the documents at docket number 45 under seal, visible only to the Court and parties.

The Clerk of Court is further directed to terminate the pending motion at docket number 44.

Dated: February 22, 2022  
New York, New York

SO ORDERED.

A handwritten signature in blue ink, reading "Katherine Polk Failla". The signature is written in a cursive, flowing style.

HON. KATHERINE POLK FAILLA  
UNITED STATES DISTRICT JUDGE